

Senator Piner's amendment; containing the largest amount, was put, and adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, Martin, McCormick, McCulloch, Moore, Piner, Ripetoe—17.

NAYS—Senators Crain, Edwards, Francis, McLeary, Stephens, Storey, Terrell, Thompson—8.

NOT VOTING—Senators Burton, Wortham—2.

Senator Crain offered the following substitute for Section 12 of the bill:

"SEC. 12. An amount of money equal to that used in carrying out the provisions of this act shall be taken out of the first money received from the sale of said land, and shall be placed to the credit of the general revenue account, to reimburse the State for the appropriation made in this act."

Adopted.

Senator Ball offered the following amendment:

Strike out the words, "the territory," in committee's amendment to the original bill, and insert the following words: "By his files in the Surveyor's office, for each 640 acres he intends to survey, and shall make surveys in accordance with said files."

Senator Storey offered the following substitute for Senator Ball's amendment:

After the word, "surveying," in the last amendment offered by the committee, insert the following: "And said territory shall not be subject to location for other purposes for four months after said designation."

Adopted, by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Terrell, Wortham—15.

NAYS—Senators Ball, Blassingame, Douglass, Grace, Guy, Henry J. R., Henry F. M., Hobby, Piner, Ripetoe—10.

NOT VOTING—Senators Ledbetter, Thompson—2.

Senator Grace, Chairman of Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled the following bill:

Senate Bill No. 228, entitled: "An Act fixing the times of holding the District Courts in the Twenty-third Judicial District."

The same has been properly signed and presented to the Governor, this day, at 5 o'clock P. M., for his approval. GRACE, *Chairman.*

On motion of Senator Burton, the Senate adjourned until to-morrow, at 9 o'clock A. M.

NINETY-SIXTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 9, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

On motion of Senator Storey, House Bill No. 434, "An Act making an appropriation to defray the contingent expenses of the first session of the Fifteenth Legislature," was taken up and ordered to lie on the table, subject to call.

Senator Wortham moved to reconsider the vote of yesterday passing House Bill No. 399, "An Act to detach the county of Raines from the Seventh Judicial District, and to fix the times of holding the courts therein."

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, compared and found correctly engrossed Senate Bill No. 269, "An Act to amend Section 2 of an act entitled, 'An Act to authorize and provide for a change of venue in civil cases,' approved April 7, 1874."

STEPHENS, *Chairman.*

A message was received from the House, announcing that Senate Bill No. 288, "An Act to provide for the guardianship of persons and estates of minors, persons of unsound minds and habitual drunkards," was received in the House, from the Senate, July 29, and has been mislaid, and request a duplicate of the same for action in the House.

Also, that House Bill No. 263, "An Act to levy a tax on dogs," was sent to the Senate without the engrossed rider of the House, which is as follows:

Amend Section — by adding:

"*Provided*, that one dog to each family shall be exempt from taxation."

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined, and compared, and find correctly engrossed, Senate Bill No. 378, "An Act to amend an act entitled, 'An Act prescribing the times of holding the District Courts in the Twelfth Judicial District, and to attach certain counties therein named for judicial purposes,'" approved July 29, 1876.

STEPHENS, *Chairman.*

Senate Bill No. 412, "An Act making appropriations for deficiencies for the fiscal year, beginning September 1st, 1875, and ending August 31st, 1876, and previous years," was taken up, and the Senate refused to recede from its amendments.

Senators Storey, Piner and Edwards were appointed a Committee of Conference on the part of the Senate, to act with a like committee on the part of the House, on the differences of the two Houses on this bill.

House Bill No. 77, "An Act to define the duties, powers, rights, qualifications and liabilities of Assessors of Taxes, and to regulate their compensation," was taken up, and, on motion of Senator McLeary, the Senate refused to recede from its amendment.

Senators Martin, Crain and McLeary were appointed a Committee of Conference on said bill to confer with a like committee on the part of the House.

House Bill No. 69, "An Act to provide for the election of Justices of the Peace, and to define their powers and jurisdiction," was taken up.

The House having refused to concur in Senate amendments Nos. 10, 12 and 13, the Senate receded from its amendment No. 10 (to Section 21), and refused to recede from its amendments Nos. 12 and 13 (to Sections 35 and 36), and a Conference Committee, consisting of Senators Terrell, McCormick and Guy, were appointed to confer with a like committee on the part of the House.

On motion of Senator Grace, Senate Bill No. 373, "The probate bill," was taken up, with amendments from the House, and, on motion of Senator Hobby, the House amendments were concurred in.

Senator Grace, by leave, introduced a bill entitled: "An Act to validate the acts of the Commissioners' Courts, throughout the State of Texas, had from the 18th of April, 1876, to the 15th of August, 1876.

Read by caption and referred to Judiciary Committee No. 1.

On motion of Senator Crain, the rules were suspended, and House Bill No. 59, "An Act to amend the fifth section of an act concerning rents and advances," approved April 4, 1874, was taken up, read second time and passed to a third reading.

On motion of Senator Hobby, the rules were suspended, and Senate Bill No. 375, "An Act to provide for supplying lost records in certain cases," was taken up, read second time and ordered engrossed.

Senator Piner moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—21.

NAYS—None.

NOT VOTING—Senators Burton, Crain, Francis, Martin, McCormick, Terrell—6.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Burton, Crain, Douglass, Edwards, Ford, Grace, Guy, Henry J. R., Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Thompson, Wortham—23.

NAYS—None.

NOT VOTING—Senators Brown, Francis, Martin, Terrell—4.

Senator Blassingame in the chair.

House Bill No. 37, "An Act regulating the duties of Tax Collectors in reference to the seizure and sale of property of delinquent tax-payers, and to define the further duties, powers, qualifications and liabilities of Collectors of Taxes, and to regulate their compensation," being the special order, was taken up and read first time.

Senator McCormick moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Francis, Ford, Guy, Henry F. M., Hobby, Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson, Wortham—20.

NAYS—Senators Edwards, Henry J. R.—2.

NOT VOTING—Senators Brown, Burton, Crain, Grace, Martin—5.

Bill read second time and passed to a third reading.

Senator Francis moved a further suspension of the rules to place the bill on its third reading.

Carried by the following vote :

YEAS—Senators Ball, Blassingame, Brown, Douglass, Francis, Ford, Guy, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Stephens, Terrell, Thompson, Wortham—20.

NAYS—Senators Edwards, Henry J. R., Henry F. M., Storey—4.

NOT VOTING—Senators Burton, Crain, Grace—3.

Senator Guy offered the following amendment:

Amend Section 7, line 2, by striking out the word, "July," and inserting, "September."

Senator Douglass moved to amend Senator Guy's amendment by striking out, "September," and inserting, "November."

Accepted by Senator Guy, and the amendment, as amended, was adopted.

Senator Edwards offered the following amendment:

In Section 16, line 8, after the word, "one," insert, "and in some newspaper selected at the capital of the State."

Lost.

Senator Storey offered the following amendment:

In Section 7, line 2, strike out, "November," and insert, "October."

Adopted.

Senator Edwards offered the following amendment:

Insert in Section 10, line 7, after the word, "date," the words, "and a duplicated description of the property described in the original receipt."

Adopted.

Also, the following amendment:

"The Collector of Taxes shall provide himself with a seal, on which shall be inscribed a star with five points, surrounded by the words, 'Collector of Taxes, ——— County,' the blank to be filled with the name of the county, and shall impress said seal on each receipt given by him for taxes collected on real estate; and said receipt, having the seal attached, shall be admissible to record in the county in which the property is situated in the same manner as deeds duly authenticated, and, when so recorded, shall be full and complete notice to all persons of the payment of said tax."

Adopted.

Senator Gay offered the following as a substitute for Section 11:

"SEC. 11. The Collector of Taxes shall make a report, under oath, to the Comptroller, of all taxes collected by him for the State, every three months. The first report shall include the months of October, November and December; the second shall include the months of January, February and March; the third shall include the months of April, May and June; the fourth report shall include the months of July, August and September, of each year; and he shall also make a like report to the Commissioners' Court of all taxes collected for the county."

Senator Stephens offered the following amendment to Senator Guy's substitute for Section 11:

Add, after the word, "report," the words, "under oath."

Adopted.

Senator Guy's substitute, as amended, was then adopted.

Senator Storey offered the following amendment:

In Section 13, line 2, strike out, "June," and insert, "September."

Adopted.

Senator Edwards offered the following:

In Section 30, line 2, strike out the word, "five," and insert the word, "three," and strike out the word, "three," and insert the word, "two."

Adopted.

Senator Francis moved the previous question on the amendment and the bill.

Not seconded.

Senator Stephens moved to reconsider the vote adopting Senator Edwards' last amendment (Section 30, line 2).

Carried, and the vote reconsidered.

Senator Piner moved the previous question on the amendment of Senator Edwards, just reconsidered.

Seconded, and the main question ordered.

The amendment of Senator Edwards, just reconsidered, was then lost by the following vote:

YEAS—Senators Blassingame, Brown, Douglass, Edwards, Francis, Henry J. R., Henry F. M., McCormick, Thompson—9.

NAYS—Senators Ball, Burton, Crain, Ford, Guy, Hobby, Ledbetter, McLeary, McCulloch, Moore, Piner, Ripetoe, Stephens, Storey, Wortham—15.

NOT VOTING—Senators Martin—1.

Senator Grace, who would have voted, "yea," paired with Senator Terrell, who would have voted, "nay."

Senator Thompson offered the following amendment:

In Section 29, strike out the word, "State," wherever it occurs, and insert the word, "county."

Adopted.

Senator Storey offered the following amendment:

In Section —, strike out, "22," and insert, "23."

Adopted.

The bill was then read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Guy, Henry J. R., Henry F. M., Ledbetter, McLeary, McCormick, McCulloch, Moore, Piner, Ripetoe, Storey, Wortham—21.

NAYS—None.

NOT VOTING—Senators Grace, Hobby, Martin, Stephens, Terrell, Thompson—6.

Senator Ball in the chair.

Senator Crain moved that the call be suspended.

Lost.

Senator Piner, Chairman of Judiciary Committee No. 2, by leave, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Joint Resolution No. 281, "To grant limited use of a certain tract of land in the city of Austin to the Methodist Church," have considered the same, and report it back and recommend that it do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 367, entitled, "An Act to amend Article 587 of the code of criminal procedure," have considered the same, and report it back with the recommendation that it do pass.

PINER, *Chairman.*

Hon. R. B. Hubbard, President of the Senate

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 381, entitled, "An Act to provide for the transferring of all criminal cases, in which indictments have been found, to the proper courts having jurisdiction thereof," have considered the same, and instruct me to report it back with the recommendation that it do pass.

PINER, *Chairman.*

On motion of Senator Douglass, substitute for Senate Bill No. 144, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties, and limiting the powers of such corporations, when so organized," was taken up with House amendments.

Senator McLeary moved that the Senate do not concur in House amendment, adding Section 32 to the bill.

Adopted.

On motion of Senator Douglass, all the remaining House amendments to the bill were concurred in.

Senator Edwards, by leave, offered the following resolution:

Resolved, That the Committee on Finance be instructed to inquire into and report to the Senate the condition of the bonds issued under the provisions of "An Act to provide for payment of the bonds of the State of Texas that will become due," etc., approved July 6, 1876, and ascertain if any of said bonds have been sold, and for what price, and to what amount, and to whom sold; also, to inquire if any of the United States bonds belonging to the permanent school fund have been sold, and for what price, and the disposition made of the proceeds thereof.

Resolution read and adopted.

Senator Terrell, by leave, introduced a bill entitled: "An Act to create a Board of Railroad Commissioners and to prescribe their duties."

Read by caption and referred to Committee on Internal Improvements.

Also, a bill entitled: "An Act to regulate the management of railroad companies."

Read by caption and referred to Committee on Internal Improvements.

Senator Blassingame in the chair.

Senate Bill No. 57, "An Act to set apart three million acres of the public domain to build a new Capitol," etc., being the unfinished business, was taken up.

Senator Piner moved a call of the Senate.

Call sustained.

Roll called.

ABSENT—Senator Ripetoe—1.

The Senate was announced full, and the consideration of Senate Bill No. 57 was proceeded with.

The amendment of Senator Storey was pending.

The amendment of Senator Storey was adopted by the following vote:

YEAS—Senators Burton, Crain, Edwards, Francis, Ford, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Terrell, Wortham—16.

NAYS—Senators Ball, Blassingame, Brown, Douglass, Grace, Guy, Henry J. R., Henry F. M., Piner, Thompson—10.

NOT VOTING—Senator Ripetoe—1.

Senator Martin offered the following amendment:

Amend the committee's amendment by inserting after the word, "territory," in line 3, "which shall not exceed ten miles square and no more in any one body."

Senator Edwards offered the following as a substitute for Senator Martin's amendment:

"The contractor shall not have the right to designate, at any one time, a greater quantity than 25 per cent. more than the amount he has contracted to locate, and shall have the right to change and alter the designation whenever he has returned the field notes of all the land he desires to appropriate in any designation made; nor shall he make another designation so long as the first designation is retained."

Adopted.

The amendment as substituted adopted.

Senator Piner offered the following amendments:

Amend Section 14 by striking out, "thirty thousand," in line 1, and inserting, "twenty thousand."

Adopted.

Also, the following:

Amend Section 3 by inserting after, "Galveston," in line 3, the words, "and one published in the cities of Dallas, San Antonio and Jefferson."

Adopted.

Senator Storey offered the following as an additional section:

"SEC. —. That neither the contractor, surveyor or commissioners, employes and attaches herein named, shall have the right, either directly or indirectly, to file upon or locate any land for themselves or other persons, during the time they are employed by the State, and any such contractor, surveyor or commissioner, employes and attaches who shall violate the provisions of this section, shall be deemed guilty of a felony, and upon conviction thereof before a court of competent jurisdiction, shall be confined at hard labor in the State Penitentiary for not less than one, nor more than five years.

Adopted.

Senator Stephens offered the following amendment:

In Section 3, line 4, strike out, "two," and insert, "four."

Adopted.

Senator Douglass offered the following amendment:

In Section 10, line 1, strike out the word, "survey," and insert the word, "section."

Senator Burton moved to adjourn to 4 o'clock p. m.

Lost.

Senator Douglass' amendment adopted.

A message was received from the House announcing that that body had appointed as a Conference Committee on House Bill No. 69, entitled,

"An Act with regard to Justices," etc., Representatives Coleman, Thompson and Chesley.

On House Bill No. 77, entitled, "An Act with regard to taxation," etc., Representatives Cockran, Lang and Wurzbach.

On House Bill No. 412, entitled, "The general appropriation bill," Representatives McComb, Chambers and Baker.

On motion of Senator Burton, the Senate adjourned until 4 o'clock P. M.

AFTERNOON SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. Quorum present.

On motion of Senator Guy, Senator Stephens was excused for the day.

The President *pro tem.*, after reading its caption, signed Senate Bill No. 373: "An Act to regulate proceedings in the County Courts pertaining to the estates of deceased persons."

Senate Bill No. 57, "An Act to provide for designating and surveying three million acres of the unappropriated public domain for the erection of a new State Capitol and other necessary public buildings at the seat of government," being the unfinished business, was taken up.

Senator Ford offered the following amendment:

Amend by inserting at the end of Senator Storey's amendment, the following:

"*Provided*, that in order to promptly reimburse the State for the sum herein appropriated, a sufficient quantity of the lands set apart shall be sold, at not less than fifty cents per acre, to effect said object: *provided, further*, that said sale shall be made at the earliest practicable period."

Senator Burton moved the previous question on the amendment and substitute for the bill.

Seconded.

The main question was then ordered.

Senator Ford's amendment was adopted, by the following vote:

YEAS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Thompson—17.

NAYS—Senator Ball, Blassingame, Douglass, Grace, Guy, Henry F. M., Ripetoe, Wortham—8.

NOT VOTING—Senators Piner, Terrell—2.

The pending substitute of Senator Ball for the bill was then read, and lost by the following vote:

YEAS—Senators Ball, Blassingame, Douglass, Grace, Guy, Henry J. R., Henry F. M., Moore, Wortham—9.

NAYS—Senators Brown, Burton, Crain, Edwards, Francis, Ford, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Ripetoe, Stephens, Storey, Thompson—16.

NOT VOTING—Senators Piner, Terrell—2.

The bill was then ordered engrossed.

Senator Storey moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Burton, Crain, Douglass,

Edwards, Francis, Ford, Guy, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Stephens, Storey, Terrell, Thompson—22.

NAYS—Senators Grace, Henry F. M.—2.

NOT VOTING—Senators Piner, Ripetoe, Wortham—3.

Bill read third time.

Senator Ball offered the following amendment:

Add to Section 7: "The Commissioner, in his return, shall state that each surveyed section has two corners in said section, plainly marked by trees or piles of rocks, for corners."

Adopted.

Senator Douglass offered the following amendment:

Amend Section 4, by adding at the end of the section the following: "Nor shall any contract be awarded for more than three dollars per section, for locating and surveying said lands."

Senator Storey moved the previous question on the bill and the pending amendments.

Seconded.

The main question was then ordered.

The amendment of Senator Douglass was lost by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Douglass, Francis, Henry J. R., Henry F. M., Wortham—8.

NAYS—Senators Burton, Crain, Edwards, Ford, Grace, Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Ripetoe, Storey, Terrell, Thompson—16.

NOT VOTING—Senator Piner—1.

Senator Guy, who would have voted, "yea," paired off with Senator Stephens, who would have voted, "nay."

The bill was then passed by the following vote:

YEAS—Senators Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Hobby, Ledbetter, Martin, McLeary, McCormick, McCulloch, Moore, Ripetoe, Storey, Terrell, Thompson, Wortham—21.

NAYS—Senators Ball, Blassingame, Henry F. M.—3.

NOT VOTING—Senator Piner—1.

Senator Guy, who would have voted, "nay," paired off with Senator Stephens, who would have voted, "yea."

Senator Wortham withdrew his motion to reconsider the vote passing House Bill No. 399, "An Act to detach Rains county from the Seventh and attach it to the Eighth Judicial District, etc."

Senator Blassingame offered the following resolution:

Resolved, That the Senate proceed to elect a President *pro tempore*, Saturday, August 12, at 12 m.

Referred to Judiciary Committee No. 1.

Senator Wortham, for the Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined, compared and found correctly enrolled Senate Bill No. 373, entitled, "An Act to regulate proceedings in the County Court, pertaining to the estates of deceased persons."

The same has been properly signed and presented to the Governor, this day at 4:20 o'clock P. M., for his approval.

WORTHAM, *for Committee.*

Senator Martin, from the Committee of Conference on the disagreement between the two Houses on House Bill No. 77, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee of Conference on the disagreement between the two Houses on House substitute for House Bill No. 77, "An Act to define the duties, powers, rights, and qualifications and liabilities of Assessors of Taxes, and to regulate their compensation," have had the same under consideration, and report as follows:

That after due consideration they are unable to agree, and ask that they be appointed a Committee of Free Conference on said bill.

MARTIN, *Chairman Senate Committee.*

COCHRAN, *Chairman House Committee.*

The report adopted.

Senators Martin, Crain and McLeary were appointed a Committee of Free Conference on said bill.

Senator Edwards moved to take up the motion of Senator McLeary, to reconsider the vote refusing to pass House Bill No. 263 (the dog law), to a third reading.

Carried.

Senator McLeary made the point of order, that the bill now under consideration was not the same one that came from the House, an engrossed rider having been brought in from that body since the bill had been considered and passed through its different stages in the Senate.

The Chair decided the point of order not well taken.

Senator McLeary appealed from the decision of the Chair.

The Chair was sustained.

Senator Burton offered the following amendment:

Amend by striking out the word, "one," and inserting, "two."

Senator Storey moved to lay the amendment on the table.

Carried.

Senator Ledbetter in the chair.

Senator Ripetoe moved to suspend the further consideration of the bill until Monday next.

Senator Guy moved to lay the amendment on the table.

Carried.

Senator F. M. Henry offered the following amendment:

Amend by adding to Section —: "Provided, that each head of a family shall have the right to own or harbor one plain dog or two blooded dogs free and exempt from the tax levied under this act."

On motion of Senator Guy, the amendment was laid on the table.

Senator Edwards offered the following amendment:

Add after, "grey fox, at fifty cents each," the words, "and the scalp of raccoons shall be received at twenty-five cents for each scalp."

Senator Storey moved to lay the amendment on the table.

Lost, and the amendment of Senator Edwards adopted.

Senator Edwards also offered the following as an additional section:
"Sec. —. That an imperative public necessity and emergency exists

for the immediate passage of this act, and it is hereby declared that the same take effect from and after its passage."

Adopted.

Senator Ball moved to add to Section —: "Each head of a family, bachelor or spinster shall be permitted to keep one dog free of tax."

On motion of Senator Grace, the amendment was tabled.

Senator Burton offered the following amendment:

Amend by striking out the word, "her," and the word, "she," wherever it occurs in the bill.

Lost.

Senator Thompson moved the previous question.

Seconded, and the main question ordered.

President *pro tem.* in the chair.

The bill was then lost by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Guy, Henry F. M., Martin, McCormick, McCulloch, Storey, Wortham—12.

NAYS—Senators Ball, Burton, Francis, Ford, Grace, Hobby, Ledbetter, McLeary, Moore, Ripetoe, Terrell, Thompson—12.

NOT VOTING—Senators Henry J. R., Piner—2.

Senator Ripetoe changed his vote on the final passage of Senate Bill No. 57, from "nay," to "yea."

Senator Storey, Chairman of the Committee on Finance, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 382, "An Act to amend subdivision 9 of Section 7 of 'An Act to provide for the payment of certain bonds that will become due in the year 1876 and 1877,' etc., and I am instructed to report the bill back to the Senate, and recommend that it do pass. STOREY, *Chairman.*

Lieutenant-Governor Hubbard delivered the following farewell address to the Senate of Texas:

"SENATORS: Circumstances over which I have no control, compel me to ask your honorable body to relieve me from further attendance during the few remaining days of your session. I take this occasion to say, in parting with the Senate, as their presiding officer, that I do so with sincere admiration for your earnest and patriotic devotion to the public service, and with the assurance that whatever changes the coming year may bring upon us all, no change shall ever obliterate the memory of that personal and official friendship which has bound us together. We have, indeed, had high contentions in debate, and vexed questions have now and then agitated our counsels; but with the determination of the issue, in the manner provided by our Constitution and law, let us hope that no prejudices will linger among us, nor unmanly criminations, as we go hence from these halls.

"We represent a State as diversified in her interests, as she is great in the proportions of her territory, and wonderful in her inexhaustible resources. That there should be differences, therefore, honest differences of opinion, among her legislators, about questions of State policy, sometimes resulting in alienation and sectional distrust, is natural. But I have an abiding confidence that these differences of opinion are but proofs, rather, of the zeal and earnestness which, from varied stand-points, impel each faithful Representative in the public service. Stand-

ing in the presence of the sacred duty we all owe to Texas—with her historic and heroic memories of the past—with the unexampled progress of the present, and the hopes of a future whose brightness, even now, dazzles our vision—in such a presence, surrounded by happy homes and fruitful fields, illustrated by the toil and love of nearly two millions of people who have sought this asylum from poverty and famine, leaning with loving trust upon her bosom—we cannot, we will not, allow discord to mar our peace, or sectional strife to divide in twain this splendid inheritance.

“Like all preceding legislative bodies, you have not escaped unfriendly criticism from the press or the people, in advance of the termination of your labors. In some instances, it may be just; in others, most unjust, as the sequel will show to the contrary. Your burden has been a heavy one; and it has been your difficult duty to frame laws under a Constitution which has inaugurated new and totally different departures from all previous organic laws, since the Republic. You have been met, at the threshold, by financial problems difficult of solution, involving the credit and honor of the State; and by an undisguised condition of anarchy and lawlessness in some sections of the State, which defies the civil authority.

“That you will provide boldly, and in justice to our credit (now the peer of any in the world’s markets), for the prompt payment or funding of all past liabilities, and will see that no deficits unprovided for in the coming fiscal year will blur our record; that our expenditures, cut down, if need be, to the standard of our revenues and our incomes, will meet each other, I am justified in hoping and in believing will be done, and that faithfully, by the Legislature.

“Texas cannot afford to see her paper depreciating in the hands of her own citizens, or her absolutely necessary expenditures for the State government annually exceed the receipts from that general revenue. Fortunately the Constitution of our State, while *limiting* the maximum of taxation (both county and State) for the future, has *honestly and wisely* provided the means of meeting the *deficits* and outstanding indebtedness of the past by funding them, or by a direct levy of taxes *ad valorem*. With the increase of our wealth, the enactment of more stringent laws, for the assessment and collection of taxes, past and present due, it is a proper subject of congratulation, if our resources are developed as we anticipate, that after the next fiscal year the revenues of the government, will more than meet (with perhaps diminished taxation, even,) all the current expenses of the government, with a constantly growing fund for our common schools.

“In the past two years you have seen our material and political prosperity grow in strength and respect under the auspices of an incorruptible and patriotic Executive, sustained by the Representatives of the people in the legislative department of the government.

“That we take no *step backward* in this march of progress, depends upon *your* wise counsel more than it will depend hereafter upon the Executive’s department, it being his duty only to *execute* the laws. When your labors shall have ended, let us hope that the laws which shall have been enacted will prove the salvation of Texas, in all the elements which contribute to the true greatness of the commonwealth. I shall not again preside over your deliberations. Others will come after me, who, I trust, will bring more of energy and ability to this difficult position; but no citizen of the State has *ever* brought, or *ever* will bring,

to this altar a more honest love, or prouder devotion to the prosperity and glory of his State than him who now addresses the Senate. We may not meet again in these halls, or elsewhere, in the paths of life; but the memory of these scenes and their honored associations will survive misfortune and follow us with gentle footsteps to the end of life."

Senator Brown offered the following resolution:

WHEREAS, Lieutenant-Governor R. B. Hubbard is about to vacate the chair as President of the Senate in order to meet important engagements, and will not be able to resume the discharge of his official duties during the current session of the Legislature; therefore, be it

Resolved, That the thanks of this Senate are hereby extended to Lieutenant-Governor Hubbard for the courtesy, ability and efficiency with which he has presided over its deliberations, and that in view of the termination of his official relations as its presiding officer, the Senate tenders to him the strongest assurance of respect, and the best wishes for his health and prosperity.

Unanimously adopted.

Senator Burton moved to adjourn until 9 o'clock to-morrow morning.

Lost, by the following vote:

YEAS—Senators Ball, Burton, Ford, Ledbetter, McLeary, Thompson—6.

NAYS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry J. R., Henry F. M., Hobby, McCormick, McCulloch, Storey, Terrell, Wortham—16.

NOT VOTING—Senators Martin, Moore, Piner, Ripetoe—4.

On motion of Senator Edwards, Lieut.-Governor Hubbard was granted an indefinite leave of absence.

Senator Francis moved to reconsider the vote refusing to pass House Bill No. 263 to a third reading.

Senator Ball, by request, offered the following communication, which was read and ordered to be spread upon the journal:

We, the officers and employes of the Senate, regret sincerely the departure of our beloved President, Governor Hubbard, and beg leave to assure him of our high regard and esteem, and hope that the future may bring him unalloyed prosperity. Wherever he may go, he will carry with him the kind wishes and prayers of all of us.

LEIGH CHALMERS, *Secretary*.

JOHN W. SWINDELLS, *First Asst. Secretary*.

W. NEAL RAMEY, *Second Asst. Secretary*.

J. B. WILKINS, *Sergeant-at-Arms*.

W. FITZHUGH, *Door-keeper*.

A. M. BELVIN, *Engrossing Clerk*.

G. N. BEAUMONT, *Enrolling Clerk*.

E. J. CHEW, *Calendar Clerk*.

JOHN L. LOVEJOY, *Chaplain*.

NAT. Q. HENDERSON, *Clerk*.

W. H. HAYS, *Clerk*.

JAMES N. HASKELL, *Postmaster*.

H. C. CARTER,

SIDNEY SHEPHERD, } *Pages*.

GEO. CALHOUN,

Senator McLeary moved to adjourn until 9 o'clock to-morrow morning.

Lost, by the following vote:

YEAS—Senators Ball, Burton, Ford, Ledbetter, Martin, McLeary, Ripetoe, Thompson, Wortham—9.

NAYS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., Hobby, McCormick, McCulloch, Moore, Piner, Storey—16.

NOT VOTING—Senators Henry J. R., Terrell—2.

Senator Crain called up Senator Francis' motion to reconsider the vote refusing to pass House Bill No. 263 to a third reading, and also moved the previous question on the motion.

Seconded.

The main question was then ordered.

The vote was then reconsidered.

Senator Ball moved to adjourn until 9 o'clock to-morrow morning.

Lost, by the following vote:

YEAS—Senators Ball, Ledbetter, Martin, Ripetoe, Thompson—5.

NAYS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Guy, Henry F. M., McCormick, McCulloch, Piner, Storey, Wortham—14.

NOT VOTING—Senators Burton, Ford, Henry J. R., Hobby, McLeary, Moore, Terrell—7.

Senator Ball moved a call of the Senate.

Not seconded.

Senator Crain moved the previous question.

Seconded.

The main question was then ordered.

House Bill No. 263 was then passed to a third reading, by the following vote:

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Guy, Henry F. M., Martin, McCormick, McCulloch, Piner, Storey, Wortham—13.

NAYS—Senators Ball, Francis, Grace, Hobby, Ledbetter, Moore, Ripetoe, Terrell, Thompson—9.

NOT VOTING—Senators Burton, Ford, Henry J. R., McLeary—4.

Senator Edwards moved that the rules be suspended, to place the bill on its third reading.

Senator Crain moved the previous question.

Seconded.

The main question was then ordered.

Senator Edwards' motion was then lost, by the following vote (four-fifths being necessary):

YEAS—Senators Blassingame, Brown, Crain, Douglass, Edwards, Grace, Guy, Henry F. M., Martin, McCormick, McCulloch, Piner, Storey, Wortham—14.

NAYS—Senators Ball, Burton, Francis, Hobby, Ledbetter, Moore, Ripetoe, Terrell, Thompson—9.

NOT VOTING—Senators Ford, Henry J. R., McLeary—3.

On motion of Senator Ledbetter, the Senate adjourned until 9 o'clock to-morrow morning.